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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,703	02/02/2004	George Vodin	10808-1	7372

7590 03/21/2006

National IP Rights Center, LLC
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EXAMINER

NEWTON, JARED W

ART UNIT PAPER NUMBER

3634

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,703	Applicant(s) VODIN, GEORGE	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1-3, 5, 8, 10, 12, 14, 16, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/9/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This final rejection is in reply to the remarks filed January 9, 2006, by which claims 1-3 and 5 were amended, and claims 6-20 were added.

Information Disclosure Statement

Acknowledgment of the Information Disclosure Statement filed January 9, 2006 is noted, and the references therein have been considered.

Specification

The replacement specification was received on January 9, 2006. The amended specification has been entered with this Office Action

Drawings

The drawings were received on January 9, 2006. These drawings are acceptable in part. In particular, the inclusion of the noted missing reference characters and correction of the noted illegible reference characters is accepted. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 2c and 2d contain broken and unclear lines not in compliance with 37 CFR 1.84 (I). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hook-and-loop fasteners of claims 2, 12, and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-3, 5, 8, 10, 12, 14, 16, 18, and 20 are objected to as claiming functionally recited subject matter. In particular, Applicant functionally sets forth the picture frame pieces through the recitation, "A display device for supporting a plurality of picture frame pieces..." (Claim 1, Ln. 1). Applicant further functionally sets forth the picture frame molds through the recitations, "A display device for supporting picture frame molds..." (Claim 3, Ln. 1-2) and "A display device for supporting a plurality of picture frame molds..." (Claim 5, Ln. 1-2). The functional recitations above render the frame pieces and molds non-positive elements of the claimed invention. Applicant improperly proceeds to positively claim the non-positive elements as though they are part of the invention through the following recitations:

- "...which supports the plurality of picture frame pieces." (Claim 1, Ln. 5-6)
- "...picture frame pieces are supported by hook and loop fasteners."
(Claim 2, Ln. 1-2)
- "...having at least a portion of the picture frame molds removably affixed thereto..." (Claim 5, Ln. 7-8)
- "...picture frame pieces are removably attached..." (Claim 8, Ln. 1-2)
- "...picture frame pieces are attached..." (Claim 10, Ln. 2)
- "...mounted to the picture frame mold members and the rotating panel member." (Claim 12, Ln. 2)
- "...picture frame molds are attached to the vertical panel." (Claim 14, Ln. 2)

- "...mounted to the picture frame molds and the rotating panel member."
(Claim 16, Ln. 2)
- "...picture frame molds are attached to the vertical panel." (Claim 18, Ln. 2)
- "...mounted to the picture frame molds and the rotating panel member."
(Claim 20, Ln. 2)

Because the picture frame molds and pieces are originally functionally set forth as non-positive elements of the claimed invention, said pieces and molds must remain functionally recited throughout the claims. Further, it is noted that because the frame pieces and molds are not positive elements of the claimed invention, a reference need not be shown with frame pieces or molds, but rather only need be capable of supporting frame pieces or molds.

Claim Rejections - 35 USC § 102

Claims 1, 3-11, 13-15, and 17-19 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,915,914 to Farrand.

In regard to claim 1, Farrand shows a display and storage system 10 comprising a frame assembly 12 and 17 having internal housing sections 22, and rotating carousel racks 24 mounted to the frame member, said carousel rack being capable of supporting a plurality of picture frame pieces (see FIGS. 1 and 2).

In regard to claim 3, Farrand shows said display system further comprising a frame housing 12 and 17 having a plurality of internal open sections 22; a plurality of

rotating carousel panel members 24 which rotate about a central axis extending from pivot support 14 (see FIG. 2) within said open sections 22 (see FIGS. 1 and 7). Farrand further discloses fasteners for affixing display pieces to said carousel racks in the form of retaining baskets 36 (see FIG. 10).

In regard to claim 4, Farrand discloses the system according to claim 3, further comprising said plurality of rotating carousel members comprising a general "x-shape" extending from their centers, as shown in the top view of Figure 7.

In regard to claim 5, Farrand discloses a system comprising the limitations set forth above, including: the frame housing and internal open sections, the rotating carousel members having a general "x-shape" rotating about a central axis within said internal sections, and the retainer fastening means. Farrand further discloses additional planar wall or door surfaces 34 proximate to the rotating panel members and adapted to retain additional display items, said surfaces capable of removably affixing picture frame molds thereto via retaining baskets 36 (see FIG. 1).

In regard to claim 6, Farrand further shows four rotating members in tandem (see FIG. 1).

In regard to claim 7, Farrand further shows said rotating members comprising columns having x-shaped cross-sections (see FIG. 7)

In regard to claim 8, Farrand further shows display items removably attached to the frame member, wherein said frame member is capable of removably securing picture frame pieces.

In regard to claims 9, 13, and 17, Farrand shows the lower-left rotating member spaced equidistant from the upper-left rotating member and the lower-right rotating member (see FIG. 7).

In regard to claims 10, 14, and 18, Farrand shows a vertical panel 34 dividing two of the rotating members, said panel capable of supporting picture frame pieces (see FIG. 7).

In regard to claims 11, 15, and 19, Farrand shows the upper central horizontal axes of each rotating member lying in the same plane (see FIG. 1).

Claim Rejections - 35 USC § 103

Claims 11, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over '914 to Farrand as applied to claims 1, 3, and 5 above, and further in view of US Patent No. 518,390 to Bever.

Farrand discloses a system comprising all of the limitations of claims 1, 3, and 5, as set forth above, but does not disclose the central vertical rotational axes of each rotating member as lying in the same plane. Bever discloses a storage rack having a plurality of rotating members in groups of three, wherein each of the three rotating members comprises a central vertical rotational axis lying in the same plane as the other two central vertical rotational axes of the group (see FIG. 1). The Farrand and Bever references are analogous art because they are from the same field of endeavor—rotating storage racks. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the rotating members as set forth by Farrand in the

orientation as set forth by Bever. The motivation would have been to tailor the rack as set forth by Farand to various environments by enabling multiple configurations.

Claims 2, 12, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over '914 to Farrand as applied to claims 1, 3, and 5 above, and further in view of US Patent No. 6,070,741 to Bachman et al.

Farrand discloses a system comprising all of the limitations of claims 1, 3, and 5, as set forth above, but does not disclose hook-and-loop fasteners for retaining the display items on said rotating racks. Bachman et al. discloses a display rack comprising display items 15 attachable to said rack via hook-and-loop fasteners. Bachman et al. recite, "The visual materials 15 are preferably attached by attachments that include...hook-and-loop fabric (e.g., VELCRO™) attachments..." (See Column 3, Ln. 48-51). The Farrand and Bachman et al. references are analogous art because they are from the same field of endeavor—storage and display racks. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the retaining baskets as disclosed by Farrand with the hook-and-loop fastening means as disclosed by Bachman et al. so as to allow the rack as set forth by Farrand to support and retain a display item, including a picture frame piece or mold. The motivation would have been to provide a less complicated means of attachment that uses less material and therefore costs less money to produce. It is further noted that the use of hook-and-loop fasteners to hold display items to a display rack is obvious and well known in the art of display racks.

Response to Arguments

Applicant's arguments filed January 9, 2006 have been fully considered but they are not persuasive.

In particular, the Applicant has relied on the improper claiming of elements not part of the invention (i.e. the picture frame pieces and molds). As noted in the above Claim Objections, a reference need not be shown specifically with picture frame molds or pieces; rather, a reference need only be capable of supporting picture frame molds or pieces. There is no teaching in the reference to Farrand that disenables the system from supporting picture frame molds or pieces.

With respect to the amendments to include claim limitations regarding the use of hook-and-loop fasteners to secure frame molds and pieces to the rotating frames, the Bachman et al. reference has been included to show the obviousness of using such attachment means in the art of supporting display materials. The references to Farrand and Bachman et al. are analogous art as set forth above, and there is a motivation and a reasonable expectation of success for combining the features of the references. The use of hook-and-loop fasteners is well known in the art of displaying items, and would be an improvement for displaying the items as set forth by Farrand. The inclusion of hook-and-loop fasteners on the racks as set forth by Farrand would be successful in that it would serve the same function as the retaining baskets, while requiring less material for construction.

With respect to the amendments regarding the addition of fasteners into the claim limitations, it is noted that the retaining baskets are fasteners, wherein a fastener

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is defined as a device for holding or anchoring. The retaining baskets set forth by Farrand hold and anchor items to the rack.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JWN

March 7, 2006



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER



Replacement Sheet

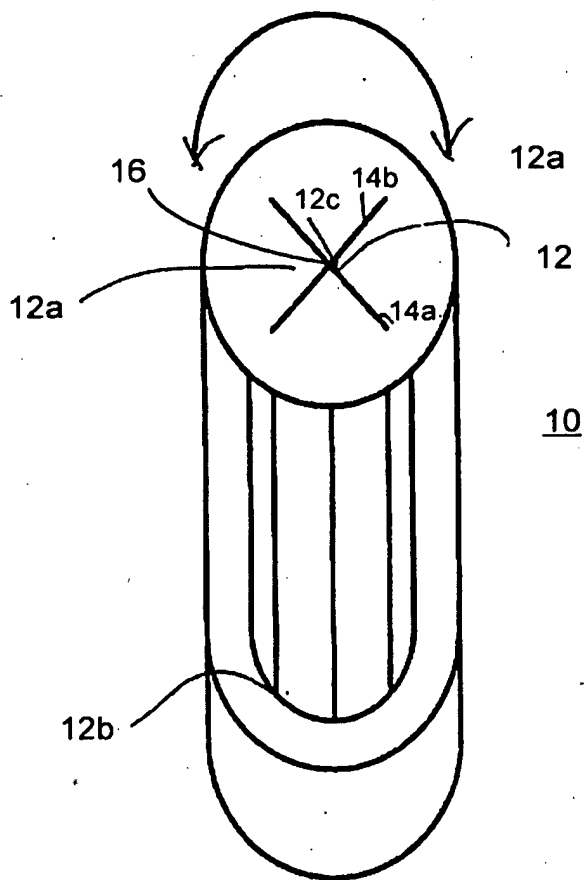


Fig. 1

*Drawings
Approved in part
JUN 03/07/2006*